



UNIVERSITY OF LEEDS

---

# Policy on dignity and mutual respect

*The University's Policy against bullying, harassment and victimisation, together with complaints procedures for staff and students*

# Contents

1. INTRODUCTION AND SCOPE OF THIS POLICY .....	4
2. GENERAL STATEMENT OF POLICY .....	4
3. ROLES AND RESPONSIBILITIES.....	7
3.1 Of the University .....	7
3.2 Of all managers and reviewers under the Staff Review and Development Scheme (SRDS).....	7
3.3 Of all staff.....	8
3.4 Of all students .....	8
3.5 Of any person (student or staff member) who is accused of harassment, bullying or victimisation.....	8
3.6 Of any person (student or staff member) who observes behaviour which may be seen as harassment, bullying or victimisation .....	9
4. CONFIDENTIALITY .....	10
5. DEFINITIONS .....	10
5.1 What is harassment? .....	10
5.2 Examples of harassment.....	12
5.3 What is bullying?.....	13
5.4 Examples of bullying .....	14
5.5 What is victimisation? .....	14
5.6 Examples of victimisation .....	15
5.7 Harassment, bullying and victimisation by electronic methods .....	15
6. FURTHER PRINCIPLES RELATING TO THIS POLICY .....	16
6.1 Differentiating standard management practice from workplace bullying or harassment .....	16
6.2 Differentiating standard learning and teaching practice from bullying or harassment ..	16
6.3 Complaints made in bad faith .....	16
6.4 Objective assessment of complaints .....	17
7. CODE OF PRACTICE 1 – PROCEDURES FOR COMPLAINTS MADE BY STAFF MEMBERS AGAINST STAFF MEMBERS UNDER THIS POLICY.....	18
a) Procedure 1 : Taking personal action.....	18
b) Procedure 2 : Mediation .....	18
c) Procedure 3 : An informal complaint.....	19
d) Procedure 4 : A formal complaint.....	23

e) Sources of advice and support for staff members before or during any of the above procedures .....	28
8. CODE OF PRACTICE 2 – PROCEDURES FOR COMPLAINTS MADE BY STAFF MEMBERS AGAINST STUDENTS UNDER THIS POLICY .....	31
9. CODE OF PRACTICE 3 – PROCEDURES FOR COMPLAINTS MADE BY STUDENTS UNDER THIS POLICY .....	32
a) Procedure 1 : Taking personal action.....	32
b) Procedure 2 : Making a complaint about the behaviour of a member of staff to the relevant school or service .....	32
c) Procedure 3 : Making a complaint about the behaviour of another student.....	33
d) Sources of advice and support for students before or during any of the above procedures .....	34

## 1. INTRODUCTION AND SCOPE OF THIS POLICY

The University's Policy on Dignity and Mutual Respect is set out below, together with some accompanying guidance and procedures for making, and responding to, complaints under this Policy.

**This Policy defines and prohibits various behaviours – in particular, harassment, bullying and victimisation. It explains the need for everyone across the University to contribute proactively to the creation of a culture of mutual respect and an environment in which everyone is treated with dignity.**

This Policy applies to everyone at the University. This includes, for example:

- all University of Leeds employees
- other workers who are not employed directly by the University (such as external consultants, visiting academics or employees of contractors engaged by the University)
- all registered students (including all taught students and postgraduate research students), and
- all visitors to the University and other third parties who are visiting or contacting the University.

**Three codes of practice are attached to this Policy. These documents set out the procedures for staff members and students to raise a complaint under the Policy, and describe the responsibilities of staff members – and, particularly, managers – in terms of responding to, and managing, complaints of harassment, bullying or victimisation. One code of practice (section 7) covers complaints made by staff members about other staff, a second code of practice covers complaints made by staff members about students (section 8) and a third covers complaints made by students or a third party (section 9).**

In situations in which workers who are not employees of the University experience behaviour that they consider to be bullying or harassment, they should normally follow the complaints procedure of their own employer. The subsequent process for the University to investigate or respond to the complaint will then depend very much on the circumstances of the individual case. Even in these situations, the attached codes of practice may still be useful, as they can be used as a general framework for investigating and handling such complaints.

## 2. GENERAL STATEMENT OF POLICY

**The University of Leeds believes that every member of staff has the right to work in a supportive environment, free from harassment, bullying and victimisation. Similarly, every student at the University has the right to study and be taught in an environment that is supportive and free from such behaviours.**

The University of Leeds will not tolerate acts of harassment, bullying or victimisation by any member of staff either against another member of staff or against any other individual with whom the member of staff interacts in the course of his or her duties, including students. The University will also not tolerate acts of harassment, bullying or victimisation by any student against another student, against a staff member or against anyone else at the University.

These beliefs and this Policy are fully consistent with our University values of **academic excellence, community, integrity, inclusiveness** and **professionalism**. Preventing and

tackling inappropriate behaviours and conduct are also essential to ensuring that any organisation is well-managed and well-led.

We recognise that harassment or bullying – in either a working or a learning environment – can cause not only personal distress, but also a loss of confidence, low morale and illness. It can also lead to people being absent from their workplace or programme of study and interfere with a person’s work or academic performance.

The University expects everyone who is working or studying at the University – or visiting or communicating with the University in another capacity – to contribute proactively to the creation of a culture of mutual respect and an environment in which everyone is treated with dignity.

The aims of this Policy are to eliminate forms of offensive behaviour by:

- raising awareness of the effects of such behaviour on individuals and on the working and learning environment
- promoting a climate in which people feel able to raise complaints of harassment or bullying without fear of victimisation
- stopping unwanted or inappropriate behaviour and finding ways in which parties can move forward positively through the establishment of a basis for acceptable working relationships whenever possible
- ensuring that, in cases in which the behaviour of those complained against constitutes a disciplinary offence or is unlawful, action is taken through appropriate disciplinary procedures.

Section 5 of this Policy defines the terms “harassment”, “bullying” and “victimisation”, and provides some illustrative examples of each type of behaviour. It is important to provide these definitions, to enable staff to make informed judgments about whether a particular type of behaviour falls within the scope of this Policy. However, the University also recognises that there can often be a significant amount of overlap between these different types of behaviour. If someone considers that they have experienced harassment, bullying or victimisation, but is initially unsure of which definition is the most appropriate one, they should not be deterred from bringing a complaint.

Complaints made by staff under this Policy will be handled as grievances. These procedures are therefore designed to be consistent with the relevant sections of the Support Staff Procedure Agreement and Statute VII of the University’s constitution, but are designed to be more practical and user-friendly. This document does not replace or alter the information or procedures set out in the Support Staff Procedure Agreement or Statute VII.

Complaints made by students against staff under this Policy will be handled in a way that is consistent with the University’s student complaints procedure.

Complaints made by students against other students under this Policy will be handled in a way that is consistent with the University’s student disciplinary procedure.

This Policy sits alongside other University policies which might also be relevant in some cases of harassment, bullying or victimisation – for example, the University’s [Equality and Inclusion Framework 2014-19](#) and [Health and Safety Policy](#).



## 3. ROLES AND RESPONSIBILITIES

### 3.1 Of the University

The University of Leeds is committed to providing a working and learning environment that is free from harassment, bullying and victimisation. To this end, the University will not condone behaviour that is abusive or offensive; any such incidents will be regarded seriously and may lead to the initiation of disciplinary proceedings under Statute VII of the University's constitution, the Support Staff Procedure Agreement or the Student Disciplinary Procedure.

The University will:

- take appropriate steps to ensure that staff, students and others are made aware of the terms of this Policy and their rights and responsibilities arising under it
- offer appropriate training on the role that staff members must play in implementing this Policy and creating a working environment in which everyone is treated with dignity and respect
- make available training opportunities for individuals who will play a specific role within the procedures which apply to complaints falling within the scope of this Policy
- ensure that this Policy is reviewed – for example, in line with changes to legislation.

### 3.2 Of all managers and reviewers under the Staff Review and Development Scheme (SRDS)

In addition to doing everything listed in section 3.3 below, all managers (which includes all staff with SRDS reviewer and/or other people management responsibilities) must:

- lead by example in promoting the development of a culture where everyone is treated with courtesy and respect and where it is understood that harassment, victimisation and bullying will not be tolerated
- ensure that, within their area of responsibility, staff - particularly new staff members, are made aware of this Policy and ensure that the Policy is implemented effectively within their area
- take effective, sensitive and rapid action when a complaint of harassment, bullying or victimisation is made to them. Failure to deal with a complaint of harassment, bullying or victimisation, when asked to do so, can itself amount to misconduct
- be sensitive to behaviour which may point to harassment, bullying or victimisation. Where potential harassment, bullying or victimisation is noted, sensitive exploration of the situation should be undertaken with a view to establishing what action may be required to rectify the position. It may be necessary to seek assistance from Human Resources in undertaking this task
- take appropriate corrective action or seek advice from Human Resources on how to proceed if they are informed of behaviour which contravenes, or may contravene, this Policy.

It will also assist with the effective implementation of this Policy if all managers:

- make every attempt to assist if asked to act as an investigator for services/faculties outside their own work area (as part of the formal complaints procedure for complaints brought by staff members)
- are supportive if someone they line-manage is asked to take on an investigator role in another part of the University (under the formal complaints procedure for complaints brought by staff members). Such circumstances may require an appreciation from the manager of the time that this role will take, although efforts will be made to ensure that the same people are not repeatedly asked to take on such a role.

### 3.3 Of all staff

All staff members (including those working at the University without being directly employed by the University of Leeds) must:

- treat all individuals with courtesy and respect when carrying out their duties
- not participate in, or condone, any act of harassment, bullying or victimisation
- ensure that they are familiar with the structure and content of this Policy, and comply with the terms of this Policy and the associated codes of practice
- modify their behaviour at work if they become aware that it is unacceptable in light of this Policy, even if no formal or informal complaint is made by the complainant.

It will also assist with the effective implementation of this Policy if all staff:

- when they witness an act of harassment, bullying or victimisation, encourage the person on the receiving end of this conduct to seek appropriate support and assistance
- offer appropriate assistance (eg by offering to provide a truthful statement about what they have witnessed)
- draw it to the attention of the appropriate manager if they feel that a workplace culture is developing which is leading, or is likely to lead, to harassment, bullying or victimisation. In the event that it is perceived the manager has contributed to the development of such a culture, the matter should be drawn to the attention of the next person in the management structure.

### 3.4 Of all students

All students must:

- behave in a professional and responsible manner, with respect for staff and students, as set out in the University of Leeds Learning and Teaching Partnership Agreement <http://partnership.leeds.ac.uk/>
- not participate in, or condone, any act of harassment, bullying or victimisation
- modify their behaviour if they become aware that it is unacceptable in light of this Policy, even if no formal or informal complaint is made by the complainant

It will also assist with the effective implementation of this Policy if all students:

- ensure that they are familiar with the structure and content of this Policy, and comply with the terms of this Policy and the associated codes of practice

### 3.5 Of any person (student or staff member) who is accused of harassment, bullying or victimisation

If you are told that a person views your own behaviour as unacceptable in some respect, you should:

- read this Policy in full and note your own obligations under the Policy
- respect the right of all members of staff to work, and students to study, in an environment which is free from harassment, victimisation or bullying
- try to remain calm and listen carefully to the complaint and to the particular concerns expressed – remembering that it is the other person's reaction to the behaviour which is important, not the reaction you think he/she should have
- try to agree, with the complainant, or with others who are discussing or raising the complaint with you, on ways to deal with the situation productively, taking full account of this Policy and the associated complaints procedures
- consider whether the complaint can be justified in any way, and whether it would be advisable and appropriate to change your behaviour



- make sure that, if you are in a position to change your behaviour or conduct easily, you do not cling to demonstrating this behaviour or conduct simply because you do not agree with the other person's assessment of the situation
- review your behaviour more generally with a view to making sure that you are not causing offence in any other respect.

You should also bear in mind that:

- the first indication you may have that there is a problem may be when a colleague tells you that s/he is offended or upset by certain aspects of your behaviour and s/he asks you to stop behaving towards them in a particular manner
- all staff and students have the right to ask a person to stop behaving in a manner which is insulting, degrading or offensive to them
- you may first be made aware that there is a problem when approached by someone informing you that an informal or formal complaint has been made. Remember that people do not have a responsibility for raising the issue directly with you first, before making a complaint, and, in some cases, people may not feel able or willing to raise the issue with you in this way
- that differences of attitude, background, culture may lead to a misinterpretation of social signals, which may mean that what is perceived as harassment by one person may not be or seem so to another
- even though your behaviour may seem harmless to you, the other person's reasonable reaction to your behaviour is important.

If you are a staff member who is accused of harassment, bullying or victimisation, you may wish to consult your HR Manager, the Mediation Service, your manager/SRDS reviewer or a Union representative. These support networks are intended to help staff/students to find positive ways of resolving complaints.

If you are a student who is accused of harassment, bullying or victimisation, you may wish to consult the Student Advice Centre in the Leeds University Union. Where both parties are students the Student Advice Centre can normally advise both parties in a dispute as they have procedures to ensure that problems do not arise from potential conflicts of interest.

More information about sources of advice and support are also available to assist staff (see section 7e) and students (see section 9d).

### **3.6 Of any person (student or staff member) who observes behaviour which may be seen as harassment, bullying or victimisation**

If you witness behaviour which may constitute harassment, bullying or victimisation, it is helpful if you:

- encourage the person or people on the receiving end of this behaviour to seek appropriate support and assistance
- offer appropriate assistance yourself (eg by offering to provide a truthful statement about what you have witnessed)
- draw it to the attention of the appropriate manager or tutor if you feel that a culture is developing, in the workplace or within a teaching group, which is leading, or is likely to lead, to harassment, bullying or victimisation. In the event that it is perceived the tutor or manager has contributed to the development of such a culture, the matter should be drawn to the attention of the next person higher in the management structure.

## 4. CONFIDENTIALITY

The University is committed to investigating allegations fully, fairly, quickly and confidentially. From the earliest stage of the complaints procedure, it is vital that confidentiality exists. This is necessary to create an environment which encourages employees to talk over their concerns and obtain objective assistance. This will allow them to assess their position and the options open to them.

On a practical level, however, it is usually difficult to sort out a problem without some communication with the person who is named as being responsible for the bullying or harassment, and with named witnesses and, in some cases, other staff. Therefore, anyone considering making a complaint should bear in mind that, in order to ensure that the behaviour about which the complaint is made stops, it will generally be necessary for the person causing offence to be told about the problem so that they can discuss the situation and take any appropriate action to prevent or discontinue any offending behaviour.

The University will, as far as possible, protect a complainant's wish for confidentiality, though where a complaint identifies unlawful discrimination, a safety concern or a potentially criminal act, the University has a legal responsibility to take appropriate action which might mean confidentiality cannot be preserved.

Confidentiality is important to all parties affected, particularly in the early stages when an individual feels concerned about the behaviour of another and wishes to seek advice and explore the seriousness of the situation. However, as soon as any attempt is made to deal with the situation in a way that directly involves an individual who is accused, this individual must be informed of the nature of the complaint. Thereafter, there should be an attempt, as far as possible, to maintain confidentiality in respect of all parties while seeking a solution.

A high degree of discretion and sensitivity must be exercised by all those involved at any stage of dealing with a complaint, although this must not act as an impediment to the thorough investigation of complaints where that is required; nor should it be used to undermine the right of all staff to be treated fairly.

## 5. DEFINITIONS

This section defines the terms “harassment”, “bullying” and “victimisation”, and provides some illustrative examples of each type of behaviour.

It is important to provide these definitions, to enable staff to make informed judgments about whether a particular type of behaviour falls within the scope of this Policy. The University also recognises that there can often be a significant amount of overlap between these different types of behaviour. If someone considers that they have experienced harassment, bullying or victimisation, but is initially unsure of which definition is the most appropriate one, they should not be deterred from bringing a complaint.

### 5.1 What is harassment?

It is difficult to give a precise definition of harassment. The definition of harassment used in this Policy is based on the definitions used in various pieces of anti-discrimination legislation. **For the purposes of this Policy, harassment is defined as:**

**Unwanted conduct that has the purpose or effect of either violating another person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person.**

Harassment does not need to be deliberate; someone may harass another person without intending to.

In alleged cases of harassment, the perception of the complainant is very important. Behaviour which one individual may regard as acceptable may be unacceptable to another person. The perception of a complainant must therefore be taken fully into account when a judgement is made on whether conduct should reasonably be considered as having one of the purposes or effects set out in the definition above, even if others feel that they would not be offended by the same behaviour. It should be noted, however, that the perception of a complainant will not necessarily lead to a complaint being upheld. As part of the response to the complaint, an objective assessment will need to be made by the person(s) investigating the complaint as to whether the behaviour complained of can reasonably be regarded as harassment<sup>1</sup>.

In some situations, where the unwanted conduct is serious, a single incident may constitute harassment. In other situations, conduct may become harassment if it is repeated or sustained.

It is important to note that, in addition to breaching this Policy, most types of harassment will also be unlawful under anti-discrimination legislation or may even constitute a criminal offence. Individual members of staff who harass others can be named personally in a legal complaint and may be required to pay compensation personally to a successful claimant.

***The link between harassment and equalities 'grounds'***

Harassment may be related in some way to one of the following grounds: gender; gender identity or gender reassignment status; sexual orientation; race (which also includes colour, nationality, national origin or ethnic origin); disability; religion or belief (or lack of a religious belief); age; marital, civil partnership or relationship status; pregnancy status, parental or carer status; part-time employment or study status; fixed-term contract status, or trade union membership status/activities.

Harassment that is targeted at an individual or group of individuals may occur on the grounds of:

- a person's *actual* personal characteristics – for example, in relation to sexual orientation, a person may be harassed because they *are* lesbian or gay
- a person's *perceived* personal characteristics – for example, a person may be harassed because they are *considered to be* lesbian or gay
- a person's link to one of the personal characteristics *via someone else* – for example, a person may be harassed because they have a lesbian or gay relative.

Alternatively, harassment may not be personally targeted at an individual at all. For example, if, in a particular team, a culture exists which permits offensive or stereotypical jokes, then a person may have a valid complaint of harassment, even if these do not relate to the complainant. For instance, a homophobic work culture will create an intimidating, hostile, degrading, humiliating or offensive environment for staff, even if no one in the team is lesbian, gay or bisexual, and a person does not need to be lesbian, gay or bisexual to bring a complaint of harassment on grounds of sexual orientation in such circumstances. In other cases, harassment may have no connection with any of the grounds listed above.

---

<sup>1</sup> See section 6.4 for explanation on 'reasonableness'.

## **Sexual harassment**

The above definition of harassment will cover some cases of sexual harassment; however, there is also another definition which relates to sexual harassment involving conduct of a sexual nature. This definition is:

**Unwanted verbal, visual, or physical conduct of a sexual nature, or other conduct based on sex, which affects a person's working or learning conditions or creates a hostile or humiliating working or studying environment for that person.**

In some cases, the recipient's rejection of, or submission to the conduct in question may be used explicitly or implicitly as a basis for a decision affecting their job, promotion, training, salary, acceptance on a course of study, grade or other decision relating to the person's employment or course of study. However, it is not necessary for this to be the case for the conduct in question to be classed as sexual harassment.

## **5.2 Examples of harassment**

Harassment can take many forms and may, for example, occur in a face-to-face setting, by telephone, or in written or electronic communications. The following list provides examples of the types of behaviour which can amount to harassment, although the list is, by no means, exhaustive:

- Unwelcome physical contact. This may range from unnecessary touching or brushing against another employee's/student's body, physical assault, coercing sexual intercourse, physical threats, insulting or abusive behaviours or gestures. This may also encompass invading someone's 'personal space' by standing very close to him/her where this is unnecessary.
- Unwelcome verbal conduct. This may include the making of remarks and comments about appearance, lewd comments, sexual advances, innuendo and banter, the making or repetition of offensive or stereotyped comments, jokes or songs, the making of threats or the making of patronising comments (for example, comments which repeatedly draw attention to a person's disability or impairment).
- Intrusive questioning. For example, this may include the intrusive discussion of a person's sexual practices, sexual orientation or religious beliefs – either directly with the complainant or with others about the complainant.
- Unwelcome written, visual or physical interaction. This may include sending unwelcome emails, notes or pictures, displaying or sending offensive material (eg displaying pin-ups of males or females in states of undress), making obscene or offensive gestures, persistently sending unwanted gifts, or following, spying or stalking someone.
- Non-verbal conduct – making abusive or offensive gestures; displaying of offensive written or visual material<sup>2</sup>; other unacceptable non-verbal conduct which denigrates a person for whatever reason.
- The deliberate exclusion of an individual from work-related activities (including social activities specifically related to work) or conversations in which they have a right or legitimate expectation to participate, as a result of a personal characteristic of the complainant.

---

<sup>2</sup>It should be noted that the importation of pornography, including downloading and storing such material, is a breach of the University's [Information Security Policy](#) and will often also constitute a criminal offence. A failure to comply with the requirements of the Information Security Policy, outside the process for exemption authorisation, will be viewed as a breach of security. Any such event may be the subject of investigation and possible further action, in accordance with University procedures, irrespective of – and potentially in addition to – any action taken under this Policy on Dignity and Mutual Respect.

- Other forms of oppressive or bullying behaviour which are somehow linked to a personal characteristic of the complainant.

It is important to note that harassment can be multi-directional, and can, for example, include peer-to-peer or unwanted behaviours directed towards managers. It could also include the behaviour of students towards members of staff.

### 5.3 What is bullying?

**For the purposes of this Policy, bullying is defined as:**

**Offensive, intimidating, malicious or insulting behaviour which intentionally or unintentionally undermines, humiliates, denigrates or injures the recipient.**

Bullying or harassment may be by an individual against an individual (perhaps by someone in a position of authority such as a manager or tutor) or involve groups of people (perhaps a person will act in a bullying manner towards several colleagues, for example). Similarly, a group of people may also be responsible for bullying behaviour (for example, if a group of staff members act in a way that leaves an individual feeling isolated or excluded).

Bullying may be obvious or it may be more covert. Bullying does not need to be deliberate; someone may demonstrate bullying behaviour, which falls within the above definition, without intending to. Whichever form it takes, it is unwarranted and unwelcome to the individual and will often cause embarrassment, fear, humiliation or distress to an individual or group of individuals.

Bullying is not normally connected to any of the grounds listed for harassment – ie, gender; gender identity or gender reassignment status; sexual orientation; race; disability; religion or belief (or lack of a religious belief); age; marital, civil partnership or relationship status; pregnancy status, parental or carer status; part-time employment or study status; fixed-term contract status, or trade union membership status/activities. If the behaviour is linked to one or more of these grounds, then it is often more likely to constitute harassment.

Bullying often results from a misuse of individual power derived from status/position, physical strength or force of personality. It can also arise from collective power arising out of strength of numbers.

Bullying is normally characterised by the emergence of a pattern of behaviour but a single incident, if serious enough, could amount to bullying behaviour.

The behaviour of individuals in the workplace can vary from day to day. Someone who is normally perfectly civil may occasionally appear impatient, pre-occupied and fail to show the courtesy expected of them. This may be for a variety of reasons including pressure of work, domestic difficulties or ill health. This Policy is not intended to deal with occasional minor lapses of good manners, courtesy or respect – unless a pattern of behaviour emerges that becomes objectionable or intimidating in itself, in which case such behaviour can constitute bullying.

Like harassment, bullying can be multi-directional, and can include peer-to-peer or unwanted behaviours directed towards managers. It could also include the behaviour of students towards members of staff.

Bullying is not about the legitimate exercise of managerial responsibility. Managers and supervisors have a duty, for example, to manage and provide feedback on performance and outcomes, provide individual employees with accurate feedback, which may be critical, and take steps to achieve an improvement in performance where that is required. Similarly, managers must take action to control absenteeism or misconduct by the legitimate exercise

of managerial control. However, any such managerial actions must be carried out in a supportive, respectful and appropriate manner and if, for example, a manager adopts an unduly aggressive or intimidating manner, then these actions may be covered by the definition of bullying set out above. Further information about differentiating good management from workplace bullying is set out in section 6.

It is important to note that, in addition to breaching this Policy, some types of bullying are also unlawful and may constitute a criminal offence. In some cases, members of staff who bully others can be named personally in a legal complaint and may be required to pay compensation personally to a successful claimant.

## 5.4 Examples of bullying

Like harassment, bullying can take many forms, and it may occur in a face-to-face setting, by telephone, or in written or electronic communications. The following list provides examples of the types of behaviour which can amount to bullying, although the list is, by no means, exhaustive:

- Verbal abuse or threats
- Steps taken to make someone's working life unreasonably difficult. This might involve the setting of impossible deadlines, objectives or targets, constantly changing objectives and goals, deliberately imposing an intolerable workload, unreasonably removing areas of responsibility, or deliberately blocking advancement without cause
- Intimidating behaviour
- Making threats or comments about job security without foundation
- Unwarranted disparaging, ridiculing or mocking comments and remarks. Such remarks might be made in front of others and/or designed to undermine an individual
- Physical violence or an explicit or implied threat of violence
- The deliberate exclusion of an individual from work-related activities (including social activities related to work) or from conversations in which they have a right or legitimate expectation to participate.

## 5.5 What is victimisation?

Staff with a grievance may sometimes complain that they are being "victimised" in some way. However, victimisation within the scope of this Policy (and within the scope of equal opportunities legislation) has a specific, defined meaning.

**Victimisation involves treating someone less favourably than other people because that individual has:**

- **made, in good faith, a claim of harassment or bullying under this Policy, (or a claim of discrimination under another Policy, such as the University's Equal Opportunities Policy)**
- **suggested or complained that, in some other way, he/she has, or may have been, discriminated against, bullied or harassed or that the University's equal opportunities policies have, or may have, been breached in some way**
- **helped some other person who is making such a claim, perhaps by providing evidence or some other form of support to that other person.**

Victimisation is entirely unacceptable behaviour which can have a profound effect upon the working environment and lead to a reluctance to report acts of discrimination or harassment.

It is important to note that, in addition to breaching this Policy, victimisation on most of the grounds covered by this Policy is also unlawful. Individual members of staff who victimise others can be named personally in a legal complaint and may be required to pay compensation personally to a successful claimant.

The law also protects people from victimisation in cases where they have disclosed certain issues to external parties under the Public Interest Disclosure Act 1998, although this is beyond the scope of this document.

## 5.6 Examples of victimisation

Victimisation can take many forms. The following list provides just a few indicative examples of the type of behaviour which could amount to victimisation – this list is, by no means, exhaustive:

- penalising someone for making a complaint of discrimination, harassment or bullying. For example, this might involve giving the person unrealistic or impossible deadlines or deciding not to nominate someone for contribution pay even though they deserve such a nomination, etc.
- excluding a person from work-related activities or conversations in which they have a right or legitimate expectation to participate because they have made a complaint of discrimination, harassment or bullying
- creating a difficult or oppressive environment for an individual because they have made a complaint – whether informal or formal – of discrimination, harassment or bullying. This might involve, for example, talking negatively about the person behind their back or making disparaging, ridiculing or mocking comments or remarks.

## 5.7 Harassment, bullying and victimisation by electronic methods

Given the degree of reliance upon electronic means of communication within the University, it should be noted that harassment, bullying and victimisation can occur by electronic means. For example, this might involve:

- sending emails (with or without attachments) which breach the terms of this Policy
- inappropriate copying of emails to parties not relevant to the discussion, as a way of intimidating or inappropriately gaining leverage over a member of staff
- using, displaying or saving offensive materials (eg offensive screensavers, photographs, etc) which are then accessed, or seen by, another person or group of people
- downloading, displaying or printing offensive material from an internet source in the presence of another person or group of people.

These are only examples of the way in which behaviour which breaches this Policy can occur using electronic means. As well as being a breach of this Policy, such behaviour may also lead to disciplinary action being taken, if, for example, the behaviour also constitutes a misuse of the University's equipment.

This Policy should also be read in conjunction with the University's [Information Security Policy](#). A failure to comply with the requirements of the Information Security Policy, outside the process for exemption authorisation, will be viewed as a breach of security. Any such event may be the subject of investigation and possible further action, in accordance with University procedures, irrespective of – and potentially in addition to – any action taken under this Policy on Dignity and Mutual Respect.

## 6. FURTHER PRINCIPLES RELATING TO THIS POLICY

### 6.1 Differentiating standard management practice from workplace bullying or harassment

The terms “bullying” and “harassment” – defined more clearly in sections 5.2 and 5.3 of this Policy – are more than a firm management style. Positive, clear management action which relates to conduct or performance or legitimate operational needs, providing this action is taken in a fair and consistent way and in line with University policies, does not constitute bullying or harassment.

Similarly, a manager may sometimes make a decision or issue an instruction which a member of staff considers unreasonable. If such action does not fall within the definitions of “bullying”, “harassment” or victimisation, as described above, the member of staff may still have a legitimate grievance, however, this would need to be pursued under the University’s normal [grievance procedures](#). These grievance procedures take into account the fact that a manager will sometimes have to take action or make a decision which staff may not agree with (if, for example, this action or decision is in the best interests of the University or of the team concerned) and balance this fact with the individual circumstances of the case.

### 6.2 Differentiating standard learning and teaching practice from bullying or harassment

Members of staff will often make decisions relating to students or issue instructions to students, either as part of the teaching process or whilst providing other types of support and assistance to students. Teaching staff and other staff will also need to provide feedback on students’ work or on other aspects of students’ performance. Providing that such actions are taken in a fair and consistent way and in line with University policies, such actions would not constitute bullying or harassment.

### 6.3 Complaints made in bad faith

This Policy is intended to promote fairness and consistency in dealing with complaints which are made in good faith. A person should only bring a complaint under this Policy if s/he has genuine cause to believe that s/he has been harassed, bullied or victimised. In terms of the general approach to be taken, the University and its staff will assume that complaints are made in good faith, and will take all complaints seriously – unless there is clear and objective evidence that a complaint is made in bad faith.

The University has a duty to protect its staff members and students from complaints made in bad faith. A complaint made in bad faith is a complaint which is malicious or repetitious, as described below:

- A complaint may be considered malicious if the complainant does not have genuine cause to believe that s/he has been bullied, harassed or victimised and is making the complaint in order to secure leverage over another person or exert power inappropriately. Such a complaint may be made in order to slow down or frustrate another procedure that the person is involved in (for example, an ongoing poor performance, grievance or disciplinary procedure).
- A complaint may be considered repetitious if it is identical, or substantially similar, to a complaint, or complaints, which have been thoroughly investigated previously. The attached codes make appropriate provision for genuine appeals procedures, which people are encouraged to follow if they are not satisfied with the outcome of their



initial complaint. However, if a situation arises in which a person repeatedly makes the same, or a similar, complaint, then this may be viewed as a repetitious complaint.

It is important to note that, in some situations, making a complaint in bad faith can itself constitute an unacceptable form of behaviour and fall within the definition of bullying or harassment. As a result, if a person makes complaint in bad faith, then appropriate action may be taken against them under this Policy or under the relevant disciplinary procedures.

Sometimes, a complaint may prove impossible to uphold; for example if the concern turns out to be due to a misunderstanding or is not capable of being sufficiently substantiated. Providing the complainant was not acting maliciously in making the complaint, this will not lead to any disciplinary action being taken against the complainant.

## **6.4 Objective assessment of complaints**

Sometimes, perceptions about acceptable and unacceptable behaviour may vary. A balanced and objective view should be taken of any complaint which arises under this policy, to assess whether the behaviour complained of can reasonably be regarded as constituting bullying, harassment or victimisation. At all stages in the complaints process, any staff member to whom complaints are made, as well as any University member making a complaint, should take an objective overview. For a complaint to be upheld, it must be founded on an interpretation of events which is demonstrably reasonable.

## 7. CODE OF PRACTICE 1 – PROCEDURES FOR COMPLAINTS MADE BY STAFF MEMBERS AGAINST STAFF MEMBERS UNDER THIS POLICY

If a staff member feels that they are being subjected to harassment, bullying or victimisation in any form by another member of staff, the following options are available for taking action.

### a) Procedure 1 : Taking personal action

If you feel that you have been, or are being, subjected to harassment, bullying or victimisation, you should not feel that it is your fault or that you have to tolerate it without question. In this situation, you may feel able to take action on your own to make the other person aware of the effect of their behaviour on you (we refer to this as “taking personal action”).

In many situations, this can be the most effective way to raise concerns. However, you should not feel pressured to raise concerns in this way and should also be aware of the other options open to you – namely, mediation or raising an informal or formal complaint (see sections 7b, 7c and 7d below).

There are a variety of ways in which you might take personal action, some of which enable concerns to be raised without making reference either to the individual(s) concerned or to the specific nature of the complaint. Here are some examples of types of personal action which might be worth considering:

- you can have a conversation with, or write to, the other person and explain, as clearly as possible, what it is that you consider unacceptable about their behaviour and ask them to stop behaving in this way
- you could enlist the help of a colleague to find ways of bringing the topic of harassment, bullying or victimisation into a conversation in the presence of the person causing offence
- you could ask for bullying and harassment issues, or the University’s Policy on Dignity and Mutual Respect, to be discussed at a team meeting to ensure that all members of staff in the team are aware of these.

If you do choose to contact the person, you might wish to seek advice or support beforehand from:

- a colleague
- your HR manager
- your line manager, or head of service/head of school
- a trade union representative (if you are a trade union member)
- any of the services listed in section 7e on page 27

If you do decide to take personal action, it is also worth remembering that:

- it may be advisable to note down factual information about the discussion that takes place and any agreed outcomes
- you should keep copies of relevant pieces of written or email correspondence

If you feel able to take personal action to raise concerns, and feel comfortable about doing so, this can be an effective and relatively low-key method of resolving issues.

### b) Procedure 2 : Mediation

Mediation is also an important consideration for resolving issues at an early stage. Mediation is a voluntary process where an impartial third party enables two or more people

to work through conflict or disagreement, with a view to improving their working relationship. Mediators are provided, through the University's Mediation Service, to help staff to honestly discuss the situation and come up with a way forward that is acceptable to the parties. The University's Mediation Service is a voluntary service which focuses on the future and on rebuilding relationships rather than blaming people.

The mediators can support:

- staff experiencing bullying or harassment
- staff about whom complaints of bullying or harassment are directed
- groups of staff who need support with improving relationships

Whilst mediation is generally seen as a process involving two or more people, the starting point is generally for a member of staff to consult the Mediation Service and meet with a mediator to talk through their situation. This may be helpful, for example, for a person who is considering making a complaint of harassment or bullying or, indeed, someone who is, or may be, on the receiving end of such a complaint.

Mediation gives an opportunity to step back and consider how a difficult situation can be put right. The team of nationally accredited, neutral mediators can help individuals or whole teams work through issues, improving relationships and tackling communication problems.

Further information about, and contact details for, the Mediation Service can be found on the web at [www.leeds.ac.uk/mediation/](http://www.leeds.ac.uk/mediation/) or you can email [mediation@leeds.ac.uk](mailto:mediation@leeds.ac.uk)

This service is confidential. Your personal details will not be disclosed, passed to your line manager or kept on your personal file unless you give your permission.

Mediation is complementary to other support services – such as staff counselling, occupational health or trade union support.

### **c) Procedure 3 : An informal complaint**

#### **How to make an informal complaint**

If you do not wish to take personal action to raise concerns, or have done so but the behaviour has continued, you can make an informal complaint. You would normally make an informal complaint verbally, but may choose to make an informal complaint in writing if you wish to.

Normally, you should make an informal complaint to your line manager (or to that person's line manager if the complaint is about your own line manager). It will then be the responsibility of the manager who receives your complaint to take the matter forward in accordance with the flowchart on page 21.

If, in the first instance, you do not feel comfortable speaking to your line manager about this issue, you can instead speak to your local HR Manager. Normally, under these circumstances, the HR Manager will liaise with your manager to discuss what should happen next. It will remain the responsibility of your line manager (or that person's manager, as appropriate) to take the matter forward, with the HR Manager acting in an advisory capacity.

The manager receiving the complaint does have a certain amount of flexibility in deciding how to progress an informal complaint; however, this should always be decided in consultation with you and it should always be progressed in a sensitive and appropriate manner.

## Information you should provide in your informal complaint

Even though an informal complaint is not being handled through our formal complaints procedures, it can be helpful for anyone making an informal complaint to:

- identify clearly the name of the person/people about whom the complaint is made
- be clear about the nature of the behaviour about which the complaint is made (making reference, where possible, to the relevant section of any Policy that was allegedly breached by this behaviour)
- provide an indication of the impact that this behaviour has had
- provide examples, where available, of the behaviour or conduct you find inappropriate, including information about the times and locations of any incidents, where possible
- provide an initial indication of whether anyone else might have observed the behaviour in question
- describe any action that has already been taken to challenge or stop the behaviour and the outcome of any such action.

## How managers should respond to an informal complaint

The flowchart on page 21 sets out the procedure for managers to deal with informal complaints.

In all cases, when receiving an informal complaint, managers should seek advice from their HR Manager at an early stage to inform what happens next. Sometimes, this might be a case of having a quick conversation with the HR Manager to explain the situation and check that your proposed next steps are appropriate. In other cases, the HR Manager may need to become more involved – particularly in situations in which the manager is unsure of how to proceed or when the complaint warrants a more serious response.

If the complaint in question is about, or implicates, the local HR Manager, then, instead of seeking advice from the HR Manager, advice should be sought from the Deputy Director of Human Resources.

In responding to, or investigating, a complaint, managers have access to a range of different documents produced by external organisations – for example:

- An ACAS document entitled *Bullying and harassment at work: a guide for managers and employers* – available at [www.acas.org.uk/index.aspx?articleid=794](http://www.acas.org.uk/index.aspx?articleid=794)
- An Equality Challenge Unit (ECU) guide entitled *Dignity at Work: a good practice guidance for HE institutions*, which is available at [www.ecu.ac.uk/publications/dignity-at-work-guide-for-he](http://www.ecu.ac.uk/publications/dignity-at-work-guide-for-he). This contains sections on “Bullying versus firm management” and “Conducting investigations”, and an appendix provides links to additional resources.
- The Health and Safety Executive’s (HSE’s) guidance for managers on workplace bullying - available at [www.hse.gov.uk/stress/furtheradvice/informationonbullying.htm](http://www.hse.gov.uk/stress/furtheradvice/informationonbullying.htm)

Managers may also seek advice from the Equality Policy Unit, particularly in situations in which a complaint may relate to an equalities issue – ie when the complaint relates to issues of gender; gender identity or gender reassignment status; sexual orientation; race (which also includes colour, nationality, national origin or ethnic origin); disability; religion or belief (or lack of a religious belief); age; marital status; or pregnancy status. Contact details for the Equality Policy Unit are provided in section 7e.

The line manager and/or Human Resources must always take full account of the wider implications of any complaint. For example, they should consider whether a case of bullying or harassment might be part of a larger pattern of such behaviour within an office.

## **Points for everyone to bear in mind in relation to informal complaints**

When following this procedure, the following points must be taken into account:

- The complainant is entitled to be accompanied by a trade union representative or workplace colleague at any meetings which take place under the informal complaints procedure.
- Once the respondent is made aware of the complaint, they are also entitled to be accompanied by a trade union representative or colleague at any such meetings.
- All complaints lodged will be dealt with as quickly as possible but it may not always be possible to comply fully with every suggested timescale set out in the procedure. In situations in which it is not possible to comply with the timescales set out in this Policy, the parties involved should be kept up-to-date, to ensure that they are aware of what is happening next in the process and when.
- Information about complaints that are resolved informally will not normally be placed on file (for example, in a personnel or staff file of either the complainant or the respondent) unless the relevant individual is specifically notified of this.
- However, if the matter relates to a serious complaint and it could not be resolved through lack of evidence, then written information and correspondence relevant to the complaint may be kept on file by the manager dealing with the complaint. This may include keeping this information in the staffing or personnel file of the complainant and/or respondent for a limited period of time. The length of time for which this information is stored should not be excessive and should be determined on a case by case basis. If this is the case, the Human Resources manager will inform the relevant party about the information that is to be stored on file, explain why this information is being stored in this way and state how long the information will be stored for.
- Both parties are advised to retain copies of all written information and correspondence that is relevant to the complaint specifically for their own records.
- If the matter remains unresolved through this informal approach, or if the problem continues after an agreed resolution, the matter should be referred to the formal stage (see Section 7d).

**THE PROCEDURE FOR MAKING AND DEALING WITH AN INFORMAL COMPLAINT IS SET OUT IN THE FLOW-CHART ON PAGE 21**

## INFORMAL COMPLAINTS PROCEDURE

**The complainant makes an informal complaint verbally or in writing to their line manager (LM) or Human Resources manager (HRM).** If the complaint was made verbally, the LM or HRM makes a written note of the complaint and asks the complainant to check the note and sign and date it.

**Within 3 working days of receipt of the complaint, the LM and the HRM need to liaise to assess whether the complaint falls within the scope of the Policy on Dignity and Mutual Respect.**

**If the complaint is not within the scope of this Policy, the LM should advise the complainant of this and explain what other procedures or methods could be used to raise the complaint** (eg standard grievance procedures etc)

**If the complainant is not satisfied with this assessment, s/he can** appeal in writing, within **5 working** days of being notified of the decision, to the Deputy Director of Human Resources, who will review the assessment and notify the complainant accordingly.

**If the complaint is within the scope of this Policy, the LM (with advice from the HRM) should agree a course of action with the complainant and set an agreed timescale for such action.** Normally, this would be for the LM to discuss the complaint with the person/people about whom the complaint has been made (ie the respondent/s). This could be done with or without the complainant being present, depending on the wishes of the complainant and the nature and circumstances of the complaint. It is also worth exploring with both parties whether the University's Mediation Service might be able to assist at this stage of the process (both parties should agree to such a course of action).

Reference should be made by the LM/HRM to the guidance on confidentiality outlined in section 4.

**The LM should take a note of what was discussed and agreed at any meetings with the respondent.** A copy of this note should be forwarded to both the complainant and the respondent, with both parties being asked to retain a copy of this note for their records.

**LMs (with advice from HRMs) should discuss with the complainant and the respondent – separately if necessary – any further actions that would be helpful.** For example:

- further training on harassment and bullying issues
- on-going support (eg counselling, mediation, mentoring, etc.)
- any other appropriate steps that should be taken to ensure that good working relations are restored/maintained.

**The situation should be resolved at this stage.** If, however, the complaint is not resolved (for example if the behaviour complained of does not stop), the complainant should discuss the situation again with the LM/HRM. In such circumstances, the complainant may decide to make a formal complaint.

## d) Procedure 4 : A formal complaint

You can make a formal complaint of harassment, bullying or victimisation if:

- you have raised a complaint previously by taking personal action, making an informal complaint or following a process of mediation, but you feel that the issue has not been properly resolved, or
- the alleged behaviour is serious enough to warrant a formal complaint without going through the previous stages.

A formal complaint raised under the Policy on Dignity and Mutual Respect will be handled as a “grievance”. The flowcharts on pages 25 (for support staff) and 26 (for academic and professional/managerial staff) outline the procedure for making and dealing with a formal complaint and show how this fits in with the relevant University grievance procedures.

These procedures are slightly different depending on whether the person making a formal complaint is a member of support staff or, alternatively, a member of academic or professional/managerial staff. As a general rule, staff on grades 2-6 will be members of “support staff”, whilst staff on grades 8-10 will be “academic” or “professional/managerial” staff members. For staff on grade 7, this will depend on the specific nature of your role and your employment contract. Advice can be sought from your HR Manager if you are unsure which procedure applies to you.

If you are considering, or planning to, make a formal complaint, there are a range of sources of support you may wish to consult (see Section 7e for more information).

### Information you should provide in your formal complaint

In any formal complaint, it is generally important for the person making the complaint to:

- identify clearly the name of the person/people about whom the complaint is made
- be clear about the nature of the behaviour about which the complaint is made (making reference, where possible, to the relevant section of any Policy that was allegedly breached by this behaviour)
- provide an indication of the impact that his behaviour has had
- provide examples, where available, of the behaviour or conduct you find inappropriate, including information about the times and locations of any incidents, where possible
- provide an initial indication of whether anyone else might have observed the behaviour in question
- describe any action that has already been taken to challenge or stop the behaviour and the outcome of any such action
- sign and date the written formal complaint.

### Points for everyone to bear in mind in relation to formal complaints

When following this procedure, the following points must be taken into account:

- The complainant is entitled to be accompanied by a trade union representative or workplace colleague at any meetings which take place under the formal complaints procedure
- Once the respondent is made aware of the complaint, they are also entitled to be accompanied by a trade union representative or workplace colleague at any such meetings
- All complaints lodged will be dealt with as quickly as possible but it may not always be possible to comply fully with every suggested timescale set out in the procedure. In situations in which it is not possible to comply with the timescales set out in this

Policy, the parties involved should be kept up-to-date, to ensure that they are aware of what is happening next in the process and when

- Information about complaints that are resolved formally may be placed on the career files of either the complainant or the respondent, who will be specifically notified of this
- If the matter relates to a serious complaint which could not be resolved through lack of evidence, then written information and correspondence relevant to the complaint may still be kept on file. This may include keeping this information in the staffing or personnel file of the complainant and/or respondent for a limited period of time. The length of time for which this information is stored should not be excessive and should be determined on a case by case basis. If this is the case, the Human Resources manager will inform the relevant party about the information that is to be stored on file, explain why this information is being stored in this way and state how long the information will be stored for
- Both parties are advised to retain copies of all written information and correspondence that is relevant to the complaint specifically for their own records
- Complaints of harassment and bullying handled formally under this Policy may lead to action being taken in accordance with the disciplinary procedures prescribed within Statute VII or the Support Staff Procedure Agreement, which include procedures relating to rights of appeal.



## STAGE 1 OF FORMAL COMPLAINTS PROCEDURE – FOR ALL STAFF GROUPS

**The complainant makes a formal complaint in writing to their Head of School or Head of Service.** If your complaint is about the behaviour of your head of school or head of service – or if this person is absent - then you should send your formal complaint to your faculty dean or the line-manager of your head of service. If you do not work within a particular school or service, you should consult your HR manager to discuss who you should make your complaint to.



**The person receiving the complaint (as above) should seek the support and advice of their HR manager at this stage.** The person receiving the complaint must also contact the faculty dean (or equivalent) to make them aware of the formal complaint at this stage.

The person receiving the complaint will meet with the complainant within 10 working days of receiving the formal complaint. The complainant will receive notification of this meeting in writing and the letter will include the option to be accompanied by a trade union representative or a workplace colleague. The purpose of the meeting will be to ascertain the exact nature of the concerns raised, to understand what, if anything, has already been implemented to resolve the grievance, to ensure they have all the necessary information and if possible to facilitate a resolution.



**Following this initial meeting, the person receiving the complaint, in conjunction with the HR manager, needs to devise a plan for investigating and resolving the issue raised.**

At this stage, the person who received the complaint needs to ensure that anyone who has had a complaint made about them receives details of the nature of any allegation relating to them in writing.

The plan for investigating and resolving the complaint may include:

- interviewing other members of staff or other parties involved
- a detailed investigation, led by the person who received the complaint or by another independent person at head of school/service level (the HR manager will be able to advise on whether another independent person would be in a better position to carry out this investigation)
- further meetings with the parties involved, with the aim of facilitating a resolution.

The person who received the complaint is then responsible for ensuring that the above plan is carried out. The outcome of this process is that they write to the complainant and the person about whom the complaint was made, detailing the nature of the complaint and any resolutions agreed or proposed. **This written response should be sent within 20 working days of receipt of the initial formal complaint.**

The person who received the complaint should seek advice from the HR manager to determine whether the behaviour or actions of any staff members:

- contravened the Policy on Dignity and Mutual Respect or otherwise constituted a disciplinary offence, and/or
- were unlawful

as a decision to this effect should be included within the above written response. If either is the case, then action will be taken through the University's disciplinary procedures.



**It is expected that in most cases the matter will be resolved at this point.** If, however, it has not been possible to resolve the matter, the member of staff can begin stage 2 proceedings within 10 working days of receipt of the outcome letter mentioned above.

Stage 2 proceedings vary according to staff group:

- If the member of staff making the complaint is a member of “support staff”, refer to page 25 for details of Stage 2
- If the member of staff making the complaint is a member of “academic” or “professional/managerial staff”, refer to page 26 for details of Stage 2

## **STAGE 2**

### **OF FORMAL COMPLAINTS PROCEDURE – FOR SUPPORT STAFF**

**The member of staff should put their complaint in writing to the Director of Human Resources within 10 working days of receipt of the outcome letter from the previous stage.** The complainant should also include any details of previous attempts to resolve the grievance and why they have been unsuccessful.



**The Director of Human Resources may nominate another member of the HR team (who has not been involved at an earlier stage) who will consider the stage 2 complaint.** The Director of HR or nominee will meet with the complainant within 10 working days of receiving the stage 2 complaint. The complainant will receive notification of this meeting in writing and the letter will include the option to be accompanied by a trade union representative or workplace colleague. The purpose of the meeting will be to ascertain the exact nature of the concerns raised and understand what, if anything, has already been implemented to resolve the matter.



**Following this meeting, the Director of Human Resources or nominee may carry out a further investigation into the circumstances surrounding the complaint and may meet with the other relevant parties involved to date.** The Director of Human Resources or nominee will then prepare a written response to the individual setting out any decision and further action to be taken. The complaint should normally be concluded and this response sent to the individual within 20 working days of the stage 2 complaint being received.

As part of this written response, the Director of Human Resources or nominee should determine whether the behaviour or actions of any staff members:

- contravened the Policy on Dignity and Mutual Respect or otherwise constituted a disciplinary offence, and/or
- were unlawful.

If either is the case, then action will be taken through the University's disciplinary procedures.

## **STAGE 3**

### **OF FORMAL COMPLAINTS PROCEDURE – FOR SUPPORT STAFF**

**If, after completing all of the above procedures, it has still not been possible to resolve the matter, the member of staff may appeal to a Pro-Vice-Chancellor for consideration by a grievance panel.** The appeal must be submitted within 10 days of receipt of the outcome letter from stage 2.

This third stage will follow the "final stage" process for a grievance process as set out in section F, subsection 5 of the Support Staff Procedure Agreement (available at <http://hr.leeds.ac.uk/policies> or you can request a printed copy from Human Resources). Staff are advised to refer to this Agreement for more information on how to proceed.

This stage (stage 3) will involve a panel being convened to consider all aspects of the complaint. The decision of this appeal panel is final and ends the University of Leeds' internal procedures.

## STAGE 2 OF FORMAL COMPLAINTS PROCEDURE – FOR ACADEMIC OR PROFESSIONAL/MANAGERIAL STAFF<sup>3</sup>

**The member of staff should put their complaint in writing to the Vice-Chancellor within 10 working days of receipt of the outcome letter from the previous stage.** The complainant should also include any details of previous attempts to resolve the grievance and why they have been unsuccessful.



**The Vice-Chancellor should consult the Secretary to the University (or nominee) for advice at this stage.**

If it appears to the Vice-Chancellor that the matter has been finally determined – under parts III, IV or V of Statute VII (within the University Statutes) – or that the grievance is trivial or invalid, he or she may dismiss it summarily or take no action upon it. The Vice-Chancellor shall inform the complainant accordingly, and also inform the head of school or head of service who received the original complaint. In these circumstances, this decision is final and ends the University of Leeds' internal procedures.

If, alternatively, it appears to the Vice-Chancellor that the complaint requires further investigation, or that it would be appropriate to attempt to resolve the matter informally, he or she will normally refer the matter to the Secretary to the University (or nominee), who will make the necessary arrangements, ensuring that the person(s) to whom the matter is referred has not been involved at an earlier stage.

If, however, it appears to the Vice-Chancellor that the complaint is serious enough, it can be referred directly to the Grievance Committee.



**The Secretary to the University or nominee will consider the stage 2 complaint and may**

- **meet with the complainant** within 20 working days of receiving this complaint. The complainant will receive notification of this meeting in writing and the letter will include the option to be accompanied by a trade union representative or workplace colleague. The purpose of the meeting will be to ascertain the exact nature of the concerns raised and understand what, if anything, has already been implemented to resolve the matter.
- **carry out a further investigation into the circumstances surrounding the complaint** which may include meeting with the other relevant parties involved to date.
- **make arrangements to seek a report on the matter**

The Secretary to the University (or nominee or person(s) who have been reporting on the matter) will then prepare a written response to the individual setting out any decision and further action to be taken. The complaint should normally be concluded and this response sent to the individual within 20 working days of the stage 2 complaint being received.

As part of this written response, the Secretary to the University or nominee should determine whether the behaviour or actions of any staff members:

- contravened the Policy on Dignity and Mutual Respect or otherwise constituted a disciplinary offence, and/or
- were unlawful.

If either is the case, then action will be taken through the University's disciplinary procedures.



## STAGE 3 OF FORMAL COMPLAINTS PROCEDURE – FOR ACADEMIC OR PROFESSIONAL/MANAGERIAL STAFF

**If, after completing all of the above procedures, it has still not been possible to resolve the matter, the member of staff may refer the matter back to the Vice-Chancellor, requesting that the matter is considered by the Grievance Committee – in accordance with paragraph 33 of Statute VII.** This appeal must be submitted within 10 days of receipt of the outcome letter from stage 2.

Any decision which is taken at this stage – either by the Vice-Chancellor or by the Grievance Committee - is final and ends the University of Leeds' internal procedures.

<sup>3</sup> This formal complaints procedure for academic/professional staff has been drawn up in accordance with grievance provisions as currently set out in Statute VII and Ordinance XXIII. Any future changes to these provisions may necessitate matching changes to the process set out above.

## e) Sources of advice and support for staff members before or during any of the above procedures

The University provides a number of services which are available to support staff experiencing any of the issues identified in this Policy and guidance. These include:

### **Your manager/line manager**

Ideally, you should talk to your manager if you have experienced or observed harassment, bullying or victimisation, or if a complaint is made against you under this Policy. Depending on your job, your manager may go under another title, such as “supervisor” or “team leader”. Managers have a key responsibility for your general wellbeing. Managers also have prescribed roles to investigate and manage complaints under the complaints procedures set out in this document.

### **Human Resources Managers**

If you are uncomfortable talking to your manager, you can consult your Human Resources manager (HR Manager) to discuss any concerns relating to harassment, bullying or victimisation issues. HR managers will be able to discuss these issues with you sensitively and without involving your manager initially. In many cases, however, your manager may need to become involved at a later stage, as this is often necessary in order to investigate or address any issues that are raised.

HR managers also have prescribed roles – for example, in advising managers and heads of services – within the complaints procedures set out in this document. You can find out the details of your local HR manager at <http://hr.leeds.ac.uk/contact>

### **Mediation Service**

Mediation is often a useful process which can be pursued at any stage. More information about the Mediation Service and the process of mediation is provided in section 7b and at [www.leeds.ac.uk/mediation/](http://www.leeds.ac.uk/mediation/)

### **Staff counsellors**

The staff counselling service deals with a wide range of personal difficulties ranging from anxiety states and depression through to life and relationship issues both at home and at work. The range of approaches is very wide and is drawn from stress management, cognitive behaviour therapy (CBT) and counselling and coaching approaches.

Staff can access the service by telephone on 0113 343 3694 and leaving contact details on the answering machine.

Calls will be returned by our staff counsellors as soon as possible to arrange an appointment. With the exception of holiday periods, you would normally be contacted within a few days of making your first enquiry and an appointment would be available within a week to ten days. <http://www.leeds.ac.uk/occupationalhealth/counselling/>

### **Leeds Citizens Advice Bureau**

Leeds CAB provide staff with a dedicated social welfare and legal rights advice service by telephone. The service is available exclusively for staff at the University and can provide advice on legal issues, social welfare rights, debt, homelessness, employment rights, discrimination, education, immigration, tax, citizenship and legal procedures.

Staff can access the service by calling 0844 4775772 on Tuesdays between 10am and 2pm to speak to an advisor. Outside of these times, staff can either listen to a recorded information service on the above number, or, each weekday between 11.30am and 12.30pm can call to request a telephone appointment with an advisor on Tuesdays. (Calls are charged at 5p per minute to callers from land lines and may be higher from mobile phones.) [http://hr.leeds.ac.uk/directory\\_record/2652/citizens\\_advice\\_bureau](http://hr.leeds.ac.uk/directory_record/2652/citizens_advice_bureau)

### **Trade unions (for those who are members)**

Employees of the University of Leeds are free to join a union of their choice, although union membership is not a condition of working here. Trade unions are able to provide assistance and support to members in relation to a wide range of issues, including issues relating to bullying, harassment and victimisation.

The University recognises the following trade unions:

- University and College Union (UCU) – visit <http://www.leedsucu.org.uk> for more information
- Unite (formerly Amicus) – visit <http://unite-leeds.org/> for more information
- UNISON – visit <http://www.leedsuni-unison.org.uk> for more information.

### **Advice to managers from the Equality Policy Unit**

Where a manager or Head of School/Service is considering how best to respond to issues raised within their area in relation to harassment or discrimination (on grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex, sexual orientation), the Equality Policy Unit can provide advice on the way forward and act as an independent 'sounding board' for the manager or Head of School/Service during this process.

Although the Equality Policy Unit does not generally provide advice to individual staff members who have experienced discrimination or harassment, the service can signpost staff members to appropriate sources of advice and support.

For more information about the Equality Policy Unit, visit [www.equality.leeds.ac.uk](http://www.equality.leeds.ac.uk) or telephone 0113 343 3927 and ask to speak to an Equality and Inclusion Manager.

### **Other external sources of advice and support**

There are a range of external sources of advice and support for staff and managers on issues relating to harassment, bullying and victimisation. For example, these include:

- **The Advisory, Conciliation and Arbitration Service (ACAS)** offers a helpline service, which can provide advice to employers and employees who are involved in an employment dispute or are seeking information on employment rights and rules. The helpline provides clear, confidential, independent and impartial advice to assist the caller in resolving issues in the workplace. You can call the Acas helpline on 08457 47 47 47 or visit the ACAS website at [www.acas.org.uk](http://www.acas.org.uk)
- **The Andrea Adams Trust** is a non-political, non-profit making charity operating as the focus for the diverse and complex problems caused by bullying behaviour in the workplace. You can telephone the Andrea Adams Trust helpline on 01273 704 900 or visit the Trust's website at <http://www.bullyonline.org/successunlimited/archive/AAT.htm>

- **The Equality and Human Rights Commission (EHRC)** is a statutory body charged with enforcing anti-discrimination legislation. The Equality and Human Rights Commission helpline can provide information and guidance on discrimination and human rights issues to employers and employees. You can telephone the helpline on 0845 604 6610 or visit the EHRC's website at [www.equalityhumanrights.com](http://www.equalityhumanrights.com) for more information
- **Your local Citizens Advice Bureau (CAB)** can provide free and impartial advice. You can find your local CAB office in the phone book or online at [www.citizensadvice.org.uk/](http://www.citizensadvice.org.uk/)

## **8. CODE OF PRACTICE 2 – PROCEDURES FOR COMPLAINTS MADE BY STAFF MEMBERS AGAINST STUDENTS UNDER THIS POLICY**

If a member of staff feels that they are being subjected to harassment, bullying or victimisation in any form by a student, under the terms of this Policy there are a number of possible options for action:

- Taking personal action – you may feel able to take informal personal action as described in Section 7a
- Action by the faculty/school/service - you could discuss this with your manager or head of school/service to gain their support in raising the issue directly with the student
- Formal action – in serious, or persistent cases it may be necessary to raise the complaint through the University's Student Disciplinary Procedure by writing to: Head of Student Complaints and Appeals. Details of the Disciplinary Procedure are available on the web at: [http://www.leeds.ac.uk/secretariat/student\\_complaints.html](http://www.leeds.ac.uk/secretariat/student_complaints.html) or email: [studentcases@leeds.ac.uk](mailto:studentcases@leeds.ac.uk)

The sources of advice and support for staff set out in Section 7e are available to support staff in these situations.

## 9. CODE OF PRACTICE 3 – PROCEDURES FOR COMPLAINTS MADE BY STUDENTS UNDER THIS POLICY

If a student feels that they are being subjected to harassment, bullying or victimisation in any form, the following options are available for taking action.

### a) Procedure 1 : Taking personal action

If you feel that you have been, or are being, subjected to harassment, bullying or victimisation, you should not feel that it is your fault or that you have to tolerate it without question. The behaviour in question could be coming from another student, a member of staff at the University or someone else associated with the University.

Generally, complaints are most easily resolved if they are raised at the time the problem first occurs and with the person/s directly involved. If you feel that you have been, or are being, subjected to harassment, bullying or victimisation, you may feel able to take action on your own to make the other person aware of the effect of their behaviour on you (we refer to this as “taking personal action”).

In many situations, this can be the most effective way to raise concerns; however, you should not feel pressured to raise concerns in this way and should also be aware of the other options open to you – namely, making a complaint to the relevant school or service (see section 9b) or making a complaint about the behaviour of another student (see section 9c).

There are a variety of ways in which you might take personal action, some of which enable concerns to be raised without making reference either to the individual(s) concerned or to the specific nature of the complaint. Here are some examples of types of personal action which might be worth considering:

- You can have a conversation with, or write to, the other person and explain, as clearly as possible, what it is that you consider unacceptable about their behaviour and ask them to stop behaving in this way.
- You could enlist the help of a peer to find ways of bringing the topic of harassment, bullying or victimisation into a conversation in the presence of the person causing offence.
- If you do choose to contact the person, you might wish to seek advice or support beforehand from:
  - your personal tutor or another member of staff within your school
  - an adviser within the LUU Student Advice Centre, or
  - your warden.

If you do decide to raise your concerns directly with the person concerned, face-to-face, you might wish to invite someone else to be present when you are having the conversation. If you decide to raise your concerns in writing, you should keep copies of relevant pieces of correspondence. In either case, it may be advisable to note down factual information.

If you feel able to take personal action to raise concerns, and feel comfortable about doing so, this can often be an effective and relatively low-key method of resolving issues.

### b) Procedure 2 : Making a complaint about the behaviour of a member of staff to the relevant school or service

#### **Making a complaint to the relevant school or service**



If you feel that you have been, or are being, subjected to harassment, bullying or victimisation from a member of staff at the University, and you cannot, or feel unable to, resolve your concerns by taking personal action, you should consider raising the issue with the relevant School or Service. In this situation, a useful starting point might be to have a conversation with a member of staff within the relevant school or service to raise the complaint verbally.

In some situations, this may be sufficient and lead to an appropriate resolution. In other cases, you may feel it is appropriate, or you may be advised, to put your complaint in writing to the relevant head of school or head of service (or where appropriate, the faculty dean or Pro-Dean for Learning and Teaching). On receipt of your written complaint, the member of staff should provide you with a response to your complaint within 15 working days. If the University cannot meet this or any of the other deadlines set out in this procedure, you will be kept fully informed of the reasons why.

### **Making a formal complaint under the Student Complaints Procedure**

If you cannot resolve your complaint directly with the relevant school or service, you should put your concerns in writing to the University's Complaints Officer. The Complaints Officer, or a member of their team, will carry out a thorough investigation of your concerns and will provide you with a written account of any findings.

### **c) Procedure 3 : Making a complaint about the behaviour of another student**

If you feel that you have been, or are being, subjected to harassment, bullying or victimisation by another student at the University, and you cannot, or feel unable to, resolve your concerns by taking personal action, there are different sources of advice and support depending on the circumstances:

- If the behaviour concerned has taken place between students who are living in university accommodation, the appropriate person to speak to is likely to be your warden (see section 9d). Out of term time, when wardens may not be available, you can contact Accommodation Services at <http://www.leeds.ac.uk/accommodation/contact.html>
- If you feel that you have been, or are being, subjected to harassment, bullying or victimisation from another student within a particular module or study group, then the appropriate person to speak to is likely to be your personal tutor or the module leader, or other student support staff within your school.
- If this situation arises in a different context, or if you're unsure of who to speak to, then you should seek advice from the LUU Student Advice Centre.

If your concerns about the behaviour of another student are not resolved through informal approaches, then you can raise the complaint through the University's Student Disciplinary Procedure by writing to: Head of Student Complaints and Appeals. Details of the Disciplinary Procedure are available on the web at:

[http://www.leeds.ac.uk/secretariat/student\\_complaints.html](http://www.leeds.ac.uk/secretariat/student_complaints.html) or email: [studentcases@leeds.ac.uk](mailto:studentcases@leeds.ac.uk)

#### **d) Sources of advice and support for students before or during any of the above procedures**

The University provides a number of services which are available to support students experiencing any of the issues identified in this Policy and guidance. These include:

##### **LUU Student Advice Centre**

If you are a student who has experienced harassment, bullying or victimisation at the University of Leeds, you are encouraged to contact the Student Advice Centre. As part of the University of Leeds students' union (Leeds University Union), the Student Advice Centre offers independent, confidential and free information and representation from professional advisers covering many issues including those within the remit of this Policy. For more information, visit the LUU website at <http://www.leedsuniversityunion.org.uk/>

##### **Warden / Accommodation Services**

For students who are experiencing difficulties in their University of Leeds accommodation, wardens are available for help and advice. This includes, but is not limited to, issues arising under the remit of this Policy.

All University residences have wardens (members of University teaching or administrative staff) who you can go to during term time for advice or for help sorting out any problems. If you are having particular problems in your accommodation, we encourage you to speak to your warden who will do everything they can to help you.

Wardens at all residences hold advisory sessions during term time (see <http://accommodation.leeds.ac.uk/> for more information), and usually no appointment is necessary. Most sites also have resident subwardens, usually postgraduate or mature students, which means there's someone there 24 hours a day during term time in case of emergencies.

Out of term time, when wardens may not be available, you can contact Accommodation Services at <http://www.leeds.ac.uk/accommodation/contact.html>

##### **Personal or academic tutor**

Your personal tutor will normally be an academic member of staff. They should play a key role in supporting your general academic and personal development. They will hold one-to-one meetings with you at regular points in the academic year and you can request more meetings if necessary.

The role of your personal tutor includes supporting your development in an academic, personal and professional way, embedding the University values and the Learning & Teaching Partnership Agreement within the personal tutoring system. The delivery of personal tutoring in each school will reflect the diverse needs both of different subject disciplines and of academic units of various sizes and natures, but whatever the particular local arrangements are, they will reflect the principles laid down in the Leeds Model of Personal Tutoring where more information about the role of personal tutors can be found. See: <http://leedsforlife.leeds.ac.uk/>

It is recognised that where complaints of harassment, bullying or victimisation occur, this may impact on your academic progress – and therefore your personal tutor may be best

placed to support you in raising a complaint or to refer you onto the appropriate source of support within the University.

Rather than approaching your personal tutor, you may feel it is more appropriate for you to contact another academic tutor or another member of staff within your school responsible for student support issues.

### **Other sources of support within the University**

For general or additional support for students experiencing bullying, harassment or victimisation, other sources of advice and support are available, including:

- **Student Counselling Centre** – the Student Counselling Centre provides a confidential counselling service (individual and group) with professional qualified staff who are very experienced at enabling students to deal with a wide range of issues. Appointments need to be booked but drop-in sessions are available every day during term-time without an appointment. The Student Counselling Centre has a lot of experience of dealing with students experiencing harassment bullying or victimisation. For more information, visit the Student Counselling Centre's website at [www.leeds.ac.uk/studentcounselling/](http://www.leeds.ac.uk/studentcounselling/)
- **International Student Office** – the International Student Office offers a range of support services to international students, including a drop-in information and advice service and confidential appointments with specialist advisers. For more information about the International Student Office, visit their website at <http://www.leeds.ac.uk/info/20019/international>
- **Disabled Students' Assessment and Support** – if you are a student who has experienced harassment which relates to disability issues, you may also wish to contact Disabled Students' Assessment and Support (DSAS). DSAS provides information, guidance and support to disabled students, which includes assessing the academic support requirements of students and putting in place a variety of different support services, as required. The team works with University departments to ensure that they are also making appropriate adjustments to meet the needs of disabled students. DSAS provides a drop-in service during lunchtimes in term-time, for which you do not require an appointment. For more information about the DSAS, visit the Equality Service's website at [www.equality.leeds.ac.uk](http://www.equality.leeds.ac.uk)

### **Other external sources of advice and support**

There are a range of external sources of advice and support for students on issues relating to harassment, bullying and victimisation. For example, these include:

- **The Equality and Human Rights Commission (EHRC)** is a statutory body charged with enforcing anti-discrimination legislation. The Equality and Human Rights Commission helpline can provide information and guidance on discrimination and human rights issues to employers and employees. You can telephone the helpline on 0845 604 6610 or visit the EHRC's website at [www.equalityhumanrights.com](http://www.equalityhumanrights.com) for more information
- **Your local Citizens Advice Bureau (CAB)** can provide free and impartial advice. You can find your local CAB office in the phone book or online at [www.citizensadvice.org.uk/](http://www.citizensadvice.org.uk/)

- **The Burley Lodge Centre (now Better Leeds Communities)** is a Community Legal Service accredited generalist advice service based at 42-46 Burley Lodge Road, Leeds LS6 1QF in North West Leeds. You can visit their website at <http://www.burleylodge.org.uk/index.htm> or email [info@burleylodge.org.uk](mailto:info@burleylodge.org.uk)  
Telephone: 0113 2754142
- **Leeds Counselling** is a counselling service for anyone in Leeds. You can find out more information at [www.leedscounselling.org.uk/](http://www.leedscounselling.org.uk/) or telephone 0113 245 0303
- **Liberty** is a national organisation which campaigns for human rights and equal treatment. They run a Public Advice Line on 0845 123 2307 or 0203 145 0461. You can find out more about what they do at [www.liberty-human-rights.org.uk](http://www.liberty-human-rights.org.uk). They also run the [www.yourrights.org.uk](http://www.yourrights.org.uk) website, where you can get information on your rights, including discrimination law in the UK.

*Back cover contents:*

- **This Policy defines and prohibits various behaviours – in particular, harassment, bullying and victimisation. It explains the need for everyone across the University to contribute proactively to the creation of a culture of mutual respect and an environment in which everyone is treated with dignity.**
- **Three codes of practice are attached to this Policy. These documents set out the procedures for staff members and students to raise a complaint under the Policy, and describe the responsibilities of staff members – and, particularly, managers – in terms of responding to, and managing, complaints of harassment, bullying or victimisation.**
- **To ensure that this Policy supports our University members to work within a positive environment, it will be reviewed after a 12 month period of use.**

If you require a copy of this document in an alternative format (for example, braille or large print), please email [equality@leeds.ac.uk](mailto:equality@leeds.ac.uk), quoting the title of the document.